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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/821,179	04/09/2004	Paul D. Perry	2004P05545US 8412			
7:	590 08/18/2006		EXAMINER			
SIEMENS CO	ORPORATION	SCHNEIDER, CRAIG M				
INTELLECTU	AL PROPERTY DEPA	ARTMENT				
170 WOOD AVENUE SOUTH			ART UNIT	PAPER NUMBER		
ISELIN, NJ (08830		3753			
				DATE MAILED: 08/18/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applicat	tion No.	Applicant(s)				
		179	PERRY ET AL.				
Office Action Summary	Examine	er	Art Unit				
	Craig M.	Schneider	3753				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) f	iled on <u>26 <i>June</i> 2006</u> .						
2a)⊠ This action is FINAL.	☐ This action is FINAL. 2b) ☐ This action is non-final.						
3) Since this application is in condition	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
. 4)⊠ Claim(s) <u>1-6 and 9-21</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5)⊠ Claim(s) <u>1-6,9-13 and 19-21</u> is/are allowed.							
6)⊠ Claim(s) <u>14-18</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9)⊠ The specification is objected to by the Examiner.							
10)⊠ The drawing(s) filed on <u>29 September 2004</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12)∏ Acknowledgment is made of a claiı	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:	a) All b) Some * c) None of:						
 Certified copies of the priority documents have been received. 							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892)	//DTO 048\	4) Interview Summary Paper No(s)/Mail D					
2) Notice of Draftsperson's Patent Drawing Review 3) Information Disclosure Statement(s) (PTO-1449		5) Notice of Informal F		O-152)			
Paper No(s)/Mail Date	•	6)					

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below.

The status identifier of claim 21 has been changed from "(original)" to --(new)-- to comply with 37 CFR 1.121.

Priority

- 2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows: Applicant has failed to include the relationship (continuation, a CIP, or a divisional) of the present application and application numbers 10/817,522 and 10/817,521.
- 3. If applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 120, a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If

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the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference

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was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Objections

4. Claim 16 is objected to because of the following informalities: "non-upright" should be --inverted--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

- 5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 6. Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Withrow et al. (2,575,574).

Withrow et al. disclose a method of using a liquid (27) for controlling vapor flow through a valve apparatus between a canister (18) and atmospheric conditions, the method comprising: defining a vapor flow path through a housing containing the liquid, the vapor flow path extending between first (19)(col. 3, lines 29-31) and second (21)(col. 3, lines 44-46) ports in the housing and passing through the liquid, and the housing containing the liquid in a first reservoir as seen in Figure 2 in an upright arrangement of the valve apparatus (col. 4,lines 7-68); and preventing the liquid from flowing out of the first and second ports in an inverted arrangement of the valve apparatus (claim 4).

Regarding claim 15, wherein the preventing the liquid from flowing out comprises containing the liquid in a second reservoir (upper area of the housing 18 around the first port 19).

Allowable Subject Matter

7. Claims 1-6, 9-13, and 19-21 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 14-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMS CM5 August 16, 2006

ERIC KEASEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Pri Heasel